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Attorneys for USACM Liquidating Trust

# UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,

USA Capital Diversified Trust Deed Fund,  
LLC,

USA Capital First Trust Deed Fund, LLC,<sup>1</sup>

USA Securities, LLC,<sup>2</sup>

Debtors.

## Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

## CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**Stipulation to Disallow Proofs of Claim  
Filed by Spectrum Financial and  
Rolland Weddell and Vacate Related  
Deadlines and Court Dates**

The USACM Liquidating Trust (the "USACM Trust"), as the successor to USA Commercial Mortgage Company, by and through its counsel, Lewis and Roca LLP, and Spectrum Financial Group LLC ("Spectrum"), and Rolland P. Weddell ("Weddell"), by and through their counsel, Gunderson Law Firm, hereby stipulate:

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.



1           1.       USA Commercial Mortgage Company filed an objection [DE 2021] to Claim  
2       No. 10725-00819 filed by Spectrum in the amount of \$49,581,000 and Claim No. 10725-  
3       00821 filed by Weddell in the amount of \$13,081,000.

4           2.       The objection came before the Court for a continued hearing on January 24,  
5       2008 at 9:30 a.m..

6           3.       Spectrum filed proof of claim 10725-01281 in the amount of \$49,581,000,  
7       which appears to be a duplicate of claim 10725-00819.

8           4.       Weddell filed proof of claim 10725-01282 in the amount of \$13,081,000,  
9       which appears to be a duplicate of claim 10725-00821.

10          5.       Orders re: Pre-Trial Matters; Trial; and Settlement Conference were entered  
11       by this Court on January 28, 2008 [DE 5737] and on January 29, 2008 [DE 5738]. The  
12       orders set deadlines for filing of trial statements, pretrial motions and exhibit/witness lists.  
13       In addition, the orders scheduled a pre-trial conference for April 17, 2008 at 10:30 a.m.  
14       and a trial to begin on April 29, 2008 at 10:00 a.m.

15          6.       After considerable investigation and negotiation, the parties stipulate and  
16       agree as follows:

- 17           • Claim 10725-00819 filed by Spectrum Financial in the amount of \$49,581,000  
18           may be disallowed in its entirety;
- 19           • Claim 10725-01281 filed by Spectrum Financial in the amount of \$49,581,000  
20           may be disallowed in its entirety;
- 21           • Claim No. 10725-00821 filed by Rolland P. Weddell in the amount of  
22           \$13,081,000 may be disallowed in its entirety;
- 23           • Claim No. 10725-01282 filed by Rolland P. Weddell in the amount of  
24           \$13,081,000 may be disallowed in its entirety;

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- The deadlines for filing trial statements, pre-trial motions and exhibit/witness list set forth in the Order re Pre-Trial Matters, Trial and Settlement Conference may be vacated;
- The pre-trial conference scheduled for April 17, 2008 at 10:30 a.m. and the trial scheduled to begin on April 29, 2008 at 10:00 a.m. may be vacated..

LEWIS AND ROCA LLP

GUNDERSON LAW FIRM

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Rob Charles  
Joice Bass  
Attorneys for Plaintiffs USACM  
Liquidating Trust on Behalf of Plaintiffs  
USA Commercial Mortgage and Amblamo,  
LLC

By Mark H. Gunderson  
Mark H. Gunderson  
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Porter, Rolland P. Weddell, Spectrum  
Financial Group, LLC and Spectrum  
Financial Group II, LLC

DATED: \_\_\_ March 30, 2008

DATED: 17 March \_\_\_, 2008